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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,197	02/15/2002	Eric Davis	18360/237570	9507
826	7590	01/13/2006	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			BADII, BEHRANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,197

Applicant(s)

DAVIS ET AL.

Examiner

Behrang Badii

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, for claim 1, Kusakabe et al. is used to disclose the use of first key and second key for access to data and Sampson et al. is used to disclose data entry. Therefore combining the two references can show that data (first or second key) can be entered in the pertinent spaces.

2112 [R-3] Requirements of Rejection Based on Inherency; Burden of Proof
The express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. "The inherent teaching of a prior art reference, a question of fact, arises both in the context of anticipation and obviousness." *In re Napier*, 55 F.3d 610, 613, 34 USPQ2d 1782, 1784 (Fed. Cir. 1995) (affirmed a 35 U.S.C. 103 rejection based in part on inherent disclosure in one of the references). See also *In re Grasselli*, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983).

It would be inherent to have a field for entering the first key and the second key. Further, the office action includes Sampson et al., which discloses data fields to clearly show entry fields for data (first and second key).

Claims 2-9 depend on claim 1.

DETAILED ACTION

Applicant's election with traverse of claims 1-9 in the reply filed on 6/16/05 is acknowledged. There were no arguments with the traversal.

The requirement is still deemed proper and is therefore made FINAL. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claims 10-32 are hereby cancelled.

Claims 1-9 have been examined. p = paragraph, i.e. p1 = paragraphs1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 & 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Kusakabe et al., U.S. patent application publication 2001/0029579, and further in view of Sampson et al. U.S. patent 6,058,392.

As per claim 1, Kusakabe et al. discloses a method of selectively providing user access to a network application, comprising the steps of:

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issuing a first key to a user, wherein said first key gives said user access to an input record format associated with said network application (abstract),; issuing a second key to said user (abstract, p51 & 76).

Kusakabe et al. does not disclose a first key field and a second key field;
receiving an input from said user, said input associated with said network application and formatted according to said input record format; and
allowing said network application to process said input if said first key field of said input contains said first key and said second key field of said input contains said second key.

Sampson et al. discloses a first key field and a second key field (abstract);
input associated with said network application and formatted according to said input record format (data entry; abstract); and
allowing said network application to process said input if said first key field of said input contains said first key and said second key field of said input contains said second key (abstract; col.6, 34-50).

It would have been obvious to modify Kusakabe et al. to include a first key field and a second key field;

input associated with said network application and formatted according to said input record format (data entry; abstract); and

allowing said network application to process said input if said first key field of said input contains said first key and said second key field of said input contains said second

key in order to have each data entry line or group associated with a certain key field to make searching the database in the future faster by relying on the unique key fields.

As per claim 8, Kusakabe et al. further disclose wherein said first and second keys issued to said user are unique (specific) to said user (business organization) .

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kusakabe et al., U.S. patent application publication 2001/0029579 as applied to claim 1 above, and further in view of Pavlin et al., U.S. patent application publication 2003/0110388.

As per claim 2, Kusakabe et al discloses a method of selectively providing user access to a network application as discussed above. Kusakabe et al. further discloses an access key (abstract). Kusakabe et al. does not disclose a developer key. Pavlin et al. discloses a developer key (p89). It would have been obvious to modify Kusakabe et al. to include a developer key such as that taught by Pavlin et al. in for the developer and access key to have distinguishable features such that one can not be used in the place of the other.

Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusakabe et al., U.S. patent application publication 2001/0029579 as applied to claim 1 above, and further in view of Folmsbee, U.S. patent 6,665,796.

As per claims 3-7, Kusakabe et al. discloses a method of selectively providing user access to a network application as discussed above. Kusakabe et al. further discloses first key issuance (abstract), second key issuance (abstract). Kusakabe et al. does not disclose a license agreement before issuing the keys or a user of a third party software. Sampson et al. discloses a license agreement and a user of a third party

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software (col.1, 34-47). It would have been obvious to modify Kusakabe et al. to include a license agreement and a user of a third party software such as that taught by Folmsbee in order to have both parties agree within a license agreement before the application is accessed such that the developer is safe from undue usage of the software/system.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kusakabe et al., U.S. patent application publication 2001/0029579 as applied to claim 1 above, and further in view of Sampson et al. U.S. patent 6,058,392 and Folmsbee, U.S. patent 6,665,796.

As per claim 9, Kusakabe et al. discloses a method of selectively providing user access to a network application as discussed above. Kusakabe et al. does not disclose a common key or a unique key. Folmsbee discloses a common key (col.7, 35 – 45) and Sampson et al. discloses unique key (col. 6, 34-50). It would have been obvious to modify Kusakabe et al. to include a common key such as that taught by Folmsbee and a unique key such as taught by Sampson et al. in order to have the unique key in place such that each user can access the application with his/her key such that the owner of the application has a record of exactly which entity has accessed the application.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to (571)273-8300

Hand delivered responses should be brought to

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Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application
or proceeding should be directed to the Technology Center 3600 Customer Service
Office whose telephone number is **(571) 272-3600**.

Behrang Badii
Patent Examiner
Art Unit 3621

BB

Behrang Badii
PRIMARY EXAMINER